

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JUAN CARLOS RODRIGUEZ-FRANCISCO, :
Petitioner, :
 :
v. :
 :
UNITED STATES OF AMERICA, :
Respondent. :
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ORDER

15 CV 8843 (VB)
13 CR 233 (VB)

By letter dated April 22, 2020, petitioner seeks bail pending his appeal of the Court's denial of his Rule 60(b) motion (Doc. #80 in 13cr233) and denial of his motion for reconsideration of that decision (Doc. #82 in 13cr233).

The motion is DENIED as frivolous. The Rule 60(b) motion to re-open was entirely without merit as was the motion for reconsideration. Therefore, petitioner has demonstrated neither a likelihood of success nor extraordinary circumstances.

As petitioner has not made a "substantial showing of the denial of a constitutional right," a certificate of appealability will not issue. 28 U.S.C. § 2253(c)(2).

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

The Clerk is instructed to mail a copy of this Order to petitioner at the following address:

Juan Carlos Rodriguez-Fernandez
Reg. No. 68295-054
LSCI Allenwood
P.O. Box 1000
White Deer, PA 17887

Dated: April 23, 2020
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge